
Commerce & Labor Committee

HB 1642

Brief Description: Regarding meal and rest periods for employees of health care facilities.

Sponsors: Representatives Conway, Green, Wood, Moeller, Williams, Cody, Morrell, Sullivan, Kenney, Simpson and Hudgins.

Brief Summary of Bill

- Requires health care facilities to schedule meal and rest periods for certain registered and licensed practical nurses.
- Provides penalties for health care facilities that violate these and related requirements.

Hearing Date: 2/3/09

Staff: Alison Hellberg (786-7152)

Background:

Under the Washington Industrial Welfare Act (IWA), it is unlawful for an employer to employ workers under conditions of labor that are detrimental to their health. The Department of Labor and Industries (Department) is authorized to conduct investigations into employment conditions and to adopt rules establishing employment standards.

The rules governing rest and meal periods require a paid rest period of at least 10 minutes for each four hours of working time. Employees are also allowed a meal period of at least 30 minutes which begins between two and five hours from the beginning of a shift. If an employee works at least three hours longer than a normal work day, the employee is allowed at least one 30-minute meal period during the overtime period. An employee may not work longer than five consecutive hours without a meal period. Where the nature of the work allows, employees may take intermittent rest periods equivalent to 10 minutes for each four hours worked. Scheduled rest periods are not required.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Legislation enacted in 2002 prohibits health care facilities from requiring overtime, except in limited circumstances, for registered nurses and licensed practical nurses involved in direct patient care and paid an hourly wage.

The Department must investigate complaints of mandatory overtime violations. The Department may issue and enforce violations as civil infractions, with a maximum penalty of \$1,000 for each infraction, up to three infractions. If a health care facility has four or more violations, the penalty is \$2,500 for the fourth violation and \$5,000 for each subsequent violation.

Summary of Bill:

Covered health care facilities are required to provide scheduled and uninterrupted meal and rest periods for registered nurses and licensed practical nurses. The meal and rest periods must be of a duration no less than specified in rules adopted by the Department, or otherwise agreed to be provided by the employer, whichever is longer. Violations of these provisions would be subject to the same penalties as violations of the prohibition on mandatory overtime for registered nurses and licensed practical nurses.

Rules Authority: The bill does not address the rule-making powers of an agency.

Appropriation: None.

Fiscal Note: Requested on 1/27/09.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.